

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 29, 2000

DIVISION ONE

B129025 Sanchez et al. (Not for Publication)
v.
Lacanalale

The judgment and order denying the motion for a judgment notwithstanding the verdict are affirmed. Dr. Lacanlale is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B134950 Alberg et al. (Not for Publication)
v.
Katz, Hoyt, Seigel & Kapor et al.

The judgment is affirmed. Seigel is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

[illegible]

The order is affirmed. Goldstein is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B135518 Papadakis et al. (Not for Publication)
 v.
 Spellacy, as Trustee, etc.

The judgment (order) is affirmed. Respondents are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B138224 People (Not for Publication)
 v.
 Poe Toa

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B129140 City of Irwindale (Not for Publication)
 v.
 State Mining and Geology Board et al.
 United Rock Products Corporation

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

DIVISION ONE (Continued)

B134518 Parra (Not for Publication)

v.

County of Los Angeles et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Mallano, J.

B137432 Krause (Not for Publication)

v.

Otto Nemenz International Inc. et al.

The December 3, 1999, order denying Krause's motion to set aside the dismissal pursuant to Code of Civil Procedure section 473 and the award of \$1,500 in sanctions against her are affirmed. Each party to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.

Vogel (Miriam A.), J.

B132489 Williams (Not for Publication)

v.

Sung et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Mallano, J.

September 29, 2000-Continued

DIVISION ONE (Continued)

B137436 People (Not for Publication)
v.
Hughes

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B135292 Wilshire-Doheny Associates et al. (Certified for Publication)
v.
Shapiro et al.

That portion of the judgment denying appellants' motions for attorney's fees is reversed. The case is remanded for proceedings consistent with the views expressed herein. Appellants are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B133521 Tucker, Jr. (Not for Publication)
v.
Goldich

The judgment is affirmed. Goldich is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

September 29, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B138182 Galas (Not for Publication)
v.
Visan

The judgment is affirmed. Visan is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B139647 People (Not for Publication)
v.
Glynn Ward

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

September 29, 2000-Continued

DIVISION ONE (Continued)

B139388 People (Not for Publication)
v.
Donnie Shay

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B135199 People (Not for Publication)
v.
Granados

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

September 29, 2000-Continued

DIVISION ONE (Continued)

B139425 People (Not for Publication)
v.
Cardenas

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B128070 Naresh Arora (Not for Publication)
v.
City of Los Angeles et al.

The order of dismissal is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B132751 Byers (Not for Publication)
v.
Peterson

The judgment is affirmed. The appeal from the order denying plaintiff's motion for a new trial is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

September 29, 2000-Continued

DIVISION ONE (Continued)

[illegible]

The sentence is modified by reducing Jones's sentence on count 6 from 6 years to 16 months and, as modified, the judgment is affirmed and the cause is remanded to the trial court with directions to issue an amended abstract of judgment reflecting this modification and showing an aggregate sentence of 79 years, 4 months, to life.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., and G. Villanueva, Deputy Clerk.

B133362 People
v.
Guzman

Merits:
Argued by Estie Stoll for appellant and by Corey Robins, deputy attorney general, for respondent. Cause submitted.

B127569 McKinney
v.
Taco Bell Corp.

Merits:
Argued by Kim Pearman for appellant. Argument waived as to respondent Taco Bell. Cause submitted.

DIVISION TWO (Continued)

B135873 People
 v.
 Jaimez

Merits:

Argued by Gerald Serlin for appellant and by Peggy Tarwater, deputy attorney general for respondent. Cause submitted.

B136170 Pegorare
 v.
 Wong, et al.

Merits:

Argued by Jan Yoss for appellant and by Harry Floyd for respondent. Cause submitted.

B130946 Watson
 v.
 County of Los Angeles

Merits:

Argued by Regina Neigerah for appellant and by Charles Collins for respondent. Cause submitted.

B116654 People
 v.
 Pelch et al.

Merits:

Argued by David Goodwin for appellant Chad Pelch and by Jeffrey Kahan, deputy attorney general, for respondent. Argument waived as to appellant Brett Pelch. Cause submitted.

DIVISION TWO (Continued)

B134921 Kelterborn
 v.
 Gillespie et al.

Merits:

Argued by Douglas Rovens for appellant, by Kathryn Albarian for respondent Gillespie and by James Miller for respondent Donnelley. Cause submitted.

B137348 Bodensieck
 v.
 Bodensieck

Merits:

Argued by Gary Starre for appellant and by Stephen Beecher for respondent. Cause submitted.

B133727 H. Rauvel, Inc.
 v.
 U.S. Xpress, Inc

Merits:

Argued by John Fort for appellant and by Janet Swerdlow for respondent. Cause submitted.

B130851 Novakovic
 v.
 Herzog

Merits:

Argued by Stephen Owens for appellant and by Timothy Vrastil for respondent. Cause submitted.

Court recessed at 12:00 p.m.

DIVISION TWO (Continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Todd, J. and R. Mayfarth, Deputy Clerk

B137188 Pokrzywinski
 v.
 John Paul Mitchell Systems

Merits:

Argued by Keith Fink for appellant and Christopher Wesierski for respondent. Cause submitted.

B110198 Hughes Aircraft Company
 v.
 Associated Aviation
 Transcontinental Insurance Company

Merits:

Argued by H. Douglas Galt for appellant and x-respondent Transcontinental Insurance Company, Gwen Freeman for appellant and x-respondent Associated Aviation and Jeffrey Davidson for respondent and x-appellant Hughes Aircraft Company. Cause submitted.

B116412 Womack
 v.
 Greene

Merits:

Argued by Jonathan Milberg for appellant and B. Eric Nelson for respondent. Cause submitted.

Court adjourned at 3:00 P.M.

DIVISION THREE

B127700 People (Not for Publication)

V.

Howell and Moore

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B135228 People (Not for Publication)

B140201 v.

Jenkins

The appeal is dismissed and the petition for writ of habeas corpus is denied.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B129994 People (Not for Publication)

V.

Gerardo

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

September 29, 2000-Continued

DIVISION THREE (Continued)

B140351 People (Not for Publication)
v.
Jerome Rahime C.

The judgment (order continuing minor a ward of the court under Welf. & Inst. Code, § 602) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B130447 People (Not for Publication)
v.
Solomon

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

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The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

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The judgment is modified by imposing a \$500 suspended parole revocation fine pursuant to Penal Code section 1202.45. The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B138272 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Cindy P.

The order is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B136116 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Olympio M.

The matter is remanded to the juvenile court for clarification of its order of October 19, 1999.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FOUR (Continued)

B135232 People (Not for Publication)
v.
Jewsbury

That portion of the judgment convicting and sentencing defendant James N. Jewsbury for 10 counts of committing lewd conduct upon a child under the age of 14 (Pen. Code, § 288, subd. (a)) is reversed to permit a retrial on those charges before a properly instructed jury. That portion of the judgment convicting and sentencing defendant James N. Jewsbury for failure to register as a sex offender while having a prior conviction for failure to register (Pen. Code, § 290, subd. (g)(2)) is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B139188 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Diedre L.

The order is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B138414 People (Not for Publication)
v.
Thompson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B138545 State of California (Not for Publication)
 v.
 S.C.L.A.
 Marshall M.

The alternative writ, having served its purpose, is discharged. Let a peremptory writ issue directing the trial court to vacate its order granting relief pursuant to Government Code section 946.6 and enter a new and different order denying relief. The parties shall bear their own costs.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B133882 Ursus Inc. (Not for Publication)
 v.
 McCord

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B134216 People (Not for Publication)
 v.
 Alvarez et al.

The judgments are affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

September 29, 2000-Continued

DIVISION FOUR (Continued)

B138354 People (Not for Publication)
v.
Jewel S.

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B138471 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Reginald M.

The order of January 28, 2000 establishing guardianship as the permanent plan for Nzinga W. is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B134441 People (Not for Publication)
v.
Kim

For the foregoing reasons, the sentence is vacated and the matter remanded for resentencing. In all other respects, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B133379 Norma Aurelio (Not for Publication)
 v.
 Bank of America

The ruling on the demurrer is affirmed except with regard to the cause of action for services rendered. The judgment is reversed, and the matter remanded to the trial court for further proceedings consistent with this order. Each party is to bear its own costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Godoy Perez, J.